IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Gokul Ram Vs. State of Rajasthan & Ors.

S.B.CR.MISC. PETITION NO.425/2007

DATE OF ORDER :: July 18, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.G.R.Punia, for the petitioner.
Mr.Ashok Upadhyay, P.P.

BY THE COURT:

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioner has challenged the order dt. 13.3.2007 passed by the Judicial Magistrate, Degana (for short `the trial court' hereinafter), whereby the application seeking recalling of the standing warrant was dismissed.

I have heard learned counsel for the petitioner.

Learned counsel for the petitioner submits that co-accused were challaned and they were tried, however, they have been

acquitted by the trial court but the petitioner did not appear and, therefore, he has been declared absconder. Now the petitioner is prepared to appear before the trial court and, therefore, he seeks recalling of the order of standing warrant.

In my view, the trial court was justified in dismissing the application. When a person is declared absconder, there can be no reason to recall the order of standing warrant. It is only when either he is arrested or appeared on his own.

From perusal of the order impugned, it appears that the petitioner did not appear before the trial court and thus, the trial court was justified in dismissing the application seeking recalling of the order of standing warrant.

In Jagtar Singh Vs.Satendra Kaur alias Bhavana Grover & Ors., 2002 Cr.L.R. (SC) 807, the Hon'ble Supreme Court has held that when the accused is declared absconder, normally he is not entitled for anticipatory bail or regular bail.

Learned counsel for the petitioner submits that now the petitioner is prepared to surrender and appear before the trial court if the standing warrant is recalled. He further submits that the parties have compromised the matter.

In my view, no case for recalling of the standing warrant is made out. However, if the petitioner surrenders before the trial court and moves a regular bail and complainant also appears before the trial court and files an application seeking compounding the offence, then, the trial court may decide the same in accordance with law on the very day.

The petition is accordingly disposed of.

[H.R.PANWAR],J.

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